UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

HASSAN ALI,

Petitioner,

v.

IAN CONNORS, et al.,

Respondents.

No. 1:21-cv-01325-DAD-SAB (HC)

ORDER ADOPTING FINDINGS AND RECOMMENDATIONS, DENYING RESPONDENT'S MOTION TO DISMISS, AND GRANTING PETITIONER'S MOTION TO TRANSFER

(Doc. Nos. 14, 15, 18)

Petitioner Hassan Ali is a federal prisoner proceeding *pro se* and *in forma pauperis* with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On February 18, 2022, the assigned magistrate judge issued findings and recommendations recommending that petitioner's motion to transfer his petition to the United States District Court for the Western District of Virginia (Doc. No. 15) be granted because "[a]t the time Petitioner commenced this action and to date," petitioner has been serving his sentence at United States Penitentiary Lee, which is located within the Western District of Virginia. (Doc. No. 18 at 2.) The findings and recommendations also recommend that respondent's motion to dismiss the petition due to a lack of jurisdiction (Doc. No. 14) be denied, noting that respondent recognized therein that the court may instead elect to transfer the petition "to a district in which it

should have been brought." (*Id.*) (citing Doc. No. 14 at 2). The findings and recommendations were served on the parties and contained notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.* at 3.) No objections have been filed, and the time in which to do so has now passed.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the court has conducted a *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the findings and recommendations are supported by the record and by proper analysis.

Accordingly:

1. The findings and recommendations issued on February 18, 2022 (Doc. No. 18) are adopted in full;
2. Respondent's motion to dismiss the petition (Doc. No. 14) is denied;
3. Petitioner's motion to transfer this action (Doc. No. 15) is granted; and
4. The action is transferred to the United States District Court for the Western District of Virginia.

IT IS SO ORDERED.

Dated: **April 6, 2022**

Dale A. Drozd
UNITED STATES DISTRICT JUDGE